

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:16-cr-0225-SEB-DML
	)	
BRANDON M. DITCHLEY,	)	
	)	
Defendant.	)	- 01

**REPORT AND RECOMMENDATION**

On June 18, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on May 15, 2019. Defendant Ditchley appeared in person with his appointed counsel, Michael Donahoe. The government appeared by Will McCoskey, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Tim Hardy.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Ditchley of his rights and provided him with a copy of the petition. Defendant Ditchley orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Ditchley admitted violation numbers 1, 2, and 3. [Docket No. 57.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1            **“You must refrain from an unlawful use of a controlled substance.”**

On April 11, 2019, Brandon Ditchley submitted a urine specimen which tested positive for amphetamines. Several unsuccessful attempts to locate the offender have been made to confront him regarding his drug screen results. The sample was forwarded to Alere Laboratory where it confirmed positive for amphetamine and methamphetamine.

- 2            **“You shall report to the probation in a manner and frequency directed by the court or probation officer.”**

Attempts to contact Mr. Ditchely in person or via phone were made on April 15, 18, 19, 23, 24, 26, May 1, 2, and 9, 2019. Messages were left with roommates or family on each occasion asking the offender to contact the probation office. On May 6, 2019, Brandon Ditchley failed to report for a scheduled office visit, and his whereabouts is unknown.

As previously reported to the Court, Mr. Ditchely failed to report for a scheduled office visit on November 15, 2018. This appointment was set after repeated attempts to locate him were unsuccessful. A warrant was issued on December 10, 2018, and he was arrested on April 5, 2019.

- 3            **“You shall reside in a residential reentry center for a term of up to 180 days. You shall abide by the rules and regulations of the facility.”**

On May 13, 2019, Brandon Ditchley failed to report to the residential reentry center (Volunteers of America). On May 9, 2019, the probation officer hand delivered a letter to the offender's residence instructing him to report to the residential reentry center. The letter was given to one of the offender's roommates at his reported residence. The roommate was asked to make sure the offender received the letter.

4.        The parties stipulated that:

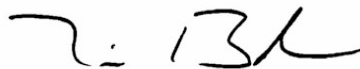
- (a)        The highest grade of violation is a Grade B violation.
- (b)        Defendant's criminal history category is IV.
- (c)        The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months' imprisonment.

5. The parties jointly recommended a sentence of twelve (12) months and one (1) day with no supervised release to follow. Defendant requested placement at FCD Greenville.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at FCI Greenville.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 06/26/2019



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Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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